

IN RE: PETITION FOR ZONING VARIANCE  
N/S Butler Road, 900' W of  
Longnecker Road  
(4232 Butler Road)  
4th Election District  
3rd Councilmanic District  
Rene L. Herbst, Jr., et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-306-A

#### MEMORANDUM AND ORDER

The Petitioners herein request a rear yard setback of 18 feet in lieu of the required 35 feet for a proposed garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of March, 1988 that a rear yard setback of 18 feet in lieu of the required 35 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

March 1, 1988

Mr. & Mrs. Rene L. Herbst, Jr.  
4232 Butler Road  
Glyndon, Maryland 21071

RE: Petition for Zoning Variance  
N/S Butler Road, 900' W of Longnecker Road  
4th Election District, 3rd Councilmanic District  
Case No. 88-306-A

Mr. & Mrs. Herbst:

Enclosed please find the decision rendered on the above-referenced case. Petition for Zoning Variance has been Granted, subject to the restrictions in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMH:bjs

Enclosures

cc: People's Counsel

File

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order is expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any building permits, the Petitioner shall submit a revised site plan in accordance with the State Highway Administration requirements as set forth in their letter dated November 10, 1987 from Greston J. Mills, Jr., Acting Chief - Bureau of Engineering Access Permits, to J. Robert Haines, Zoning Commissioner.

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
of Baltimore County

AMH:bjs

ORDER RECEIVED FOR FILING

Date 3/1/88 By [Signature]

Rene L. Herbst, Jr., et ux  
N/S Butler Road, 900' W of  
Longnecker Rd. (4232 Butler Road)  
4th E.D.

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, as follows:  
Case number: 88-306-A  
N/S Butler Road, 900' W of Longnecker Road  
(4232 Butler Road)  
4th Election District - 3rd Councilmanic District  
Petitioners: Rene L. Herbst, Jr., et ux  
DATE/TIME: WEDNESDAY, FEBRUARY 10, 1988 at 9:00 a.m.  
Variance to permit a rear yard setback of 18 feet in lieu of the required 35 feet.  
In the event that the Petitioner is granted a building permit, the Petitioner shall submit a revised site plan in accordance with the State Highway Administration requirements as set forth in their letter dated November 10, 1987 from Greston J. Mills, Jr., Acting Chief - Bureau of Engineering Access Permits, to J. Robert Haines, Zoning Commissioner, prior to the issuance of any building permits.  
The period for good cause shown, such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

#### JUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md. Jan. 22, 1988

RTIFY that the annexed, Reg. # M10710 P.O. # 95571  
one (1) successive workday previous  
day of January 22, 1988, in the

County Times, a daily newspaper published  
in Westminster, Carroll County, Maryland.  
stown News, a weekly newspaper published  
in Baltimore County, Maryland.  
inity Times, a weekly newspaper published  
in Baltimore County, Maryland.  
JUNITY NEWSPAPERS OF MARYLAND, INC.  
Per [Signature]

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan. 21, 1988

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., appearing on  
Jan. 21, 1988.

THE JEFFERSONIAN,

[Signature]  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, as follows:  
Case number: 88-306-A  
N/S Butler Road, 900' W of Longnecker Road  
(4232 Butler Road)  
4th Election District - 3rd Councilmanic District  
Petitioners: Rene L. Herbst, Jr., et ux  
DATE/TIME: WEDNESDAY, FEBRUARY 10, 1988 at 9:00 a.m.  
Variance to permit a rear yard setback of 18 feet in lieu of the required 35 feet.  
In the event that the Petitioner is granted a building permit, the Petitioner shall submit a revised site plan in accordance with the State Highway Administration requirements as set forth in their letter dated November 10, 1987 from Greston J. Mills, Jr., Acting Chief - Bureau of Engineering Access Permits, to J. Robert Haines, Zoning Commissioner, prior to the issuance of any building permits.  
The period for good cause shown, such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B.3 to permit a rear yard setback of 18 feet in lieu of the required 35 feet.

1. To construct garage within 18ft. of adjoining lot line.

The existing house was built within 22 feet of the side property line and 50 feet of the rear property line with the driveway along the side with the minimum setback. The proposed room addition is for a laundry area, home office, two car garage and much-needed storage area. Because of the existing driveway configuration, the owners desire for an attached garage for security purposes and the interior layout of the well and septic location, the variance here is requested.

or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Mr. Rene L. Herbst, Jr.

(Type or Print Name)

Signature

Mrs. Carolyn G. Herbst

(Type or Print Name)

Signature

4232 Butler Rd. 301-833-5407

Address

Glyndon, Maryland 21071

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Mr. & Mrs. Rene L. Herbst, Jr.

4232 Butler Road

Glyndon, Md. 21071 301-833-5407

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

of 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of Feb., 1988, at 9 o'clock a.m.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

December 2, 1987

Mr. & Mrs. Rene L. Herbst, Jr.  
4232 Butler Road  
Glyndon, Maryland 21071

Re: Case number: 88-306-A  
N/S Butler Road, 900' W of Longnecker Road  
(4232 Butler Road)  
4th Election District - 3rd Councilmanic District  
Petitioners: Rene L. Herbst, Jr., et ux

Dear Mr. & Mrs. Herbst:

Please be advised that \$70.48 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED  
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND No. 45359  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 2/10/88 ACCOUNT [Signature]  
AMOUNT \$ 70.48  
RECEIVED FROM Mrs. M. Herbst  
FOR [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

#### ZONING DESCRIPTION

Beginning for the same at a point in or near the center of Butler Road at the beginning of the north 38 degrees west 684 perches line of the described tract of land mentioned in deed from Jacob D. Geist and Wife to Ruben P. Geist dated Dec. 7, 1906 and recorded June 28, 1911 among the Land Records of Baltimore County in Liber W.P.C. No. 374 folio 456 running thence as surveyed Nov. 1946 by said line north 34 degrees west 16.5 feet to a pipe on the northwest side of said road still north 34 degrees west 201.5 feet to a pipe thence by line of division north 82 degrees east 218 feet to a stake south 34 degrees east 201.5 feet to an iron stake on the northwest side of said road still south 34 degrees east 16.5 feet to or near the center of said road thence by center of said road south 80 degrees west 218 feet to the beginning. Containing 1 acre of land, more or less.

Located on the north side of Butler Road, 900' west of Longnecker Road in the 4th Election District. Known as 4232 Butler Road.

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

88-306-A

District 4th Date of Posting 1-21-88

Posted for: [Signature]

Petitioner: Rene L. Herbst, Jr. et ux

Location of property: N/S of Butler 900' W of Longnecker Road

Location of Sign: 4232 Butler Road

Location of Sign: 4232 Butler Road

Remarks: [Signature]

Posted by: [Signature] Date of return: 1-22-88

Number of Signs: 1

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-306-A  
N/S Butler Road, 900' W of Longnecker Road  
(4232 Butler Road)  
4th Election District - 3rd Councilmanic District  
Petitioners: Rene L. Herbst, Jr., et ux  
DATE/TIME: WEDNESDAY, FEBRUARY 10, 1988 at 9:00 a.m.

Variance to permit a rear yard setback of 18 feet in lieu of the required 35 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

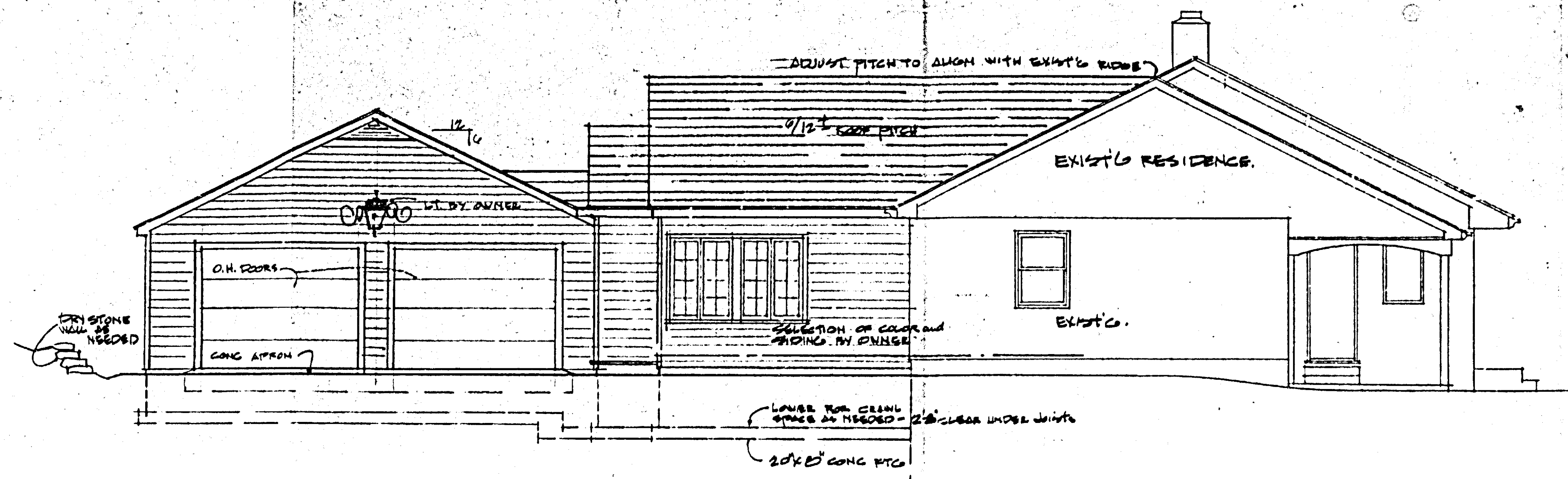
BALTIMORE COUNTY, MARYLAND No. 41753  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 2/10/88 ACCOUNT [Signature]  
AMOUNT \$ 25.00  
RECEIVED FROM [Signature]  
FOR [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

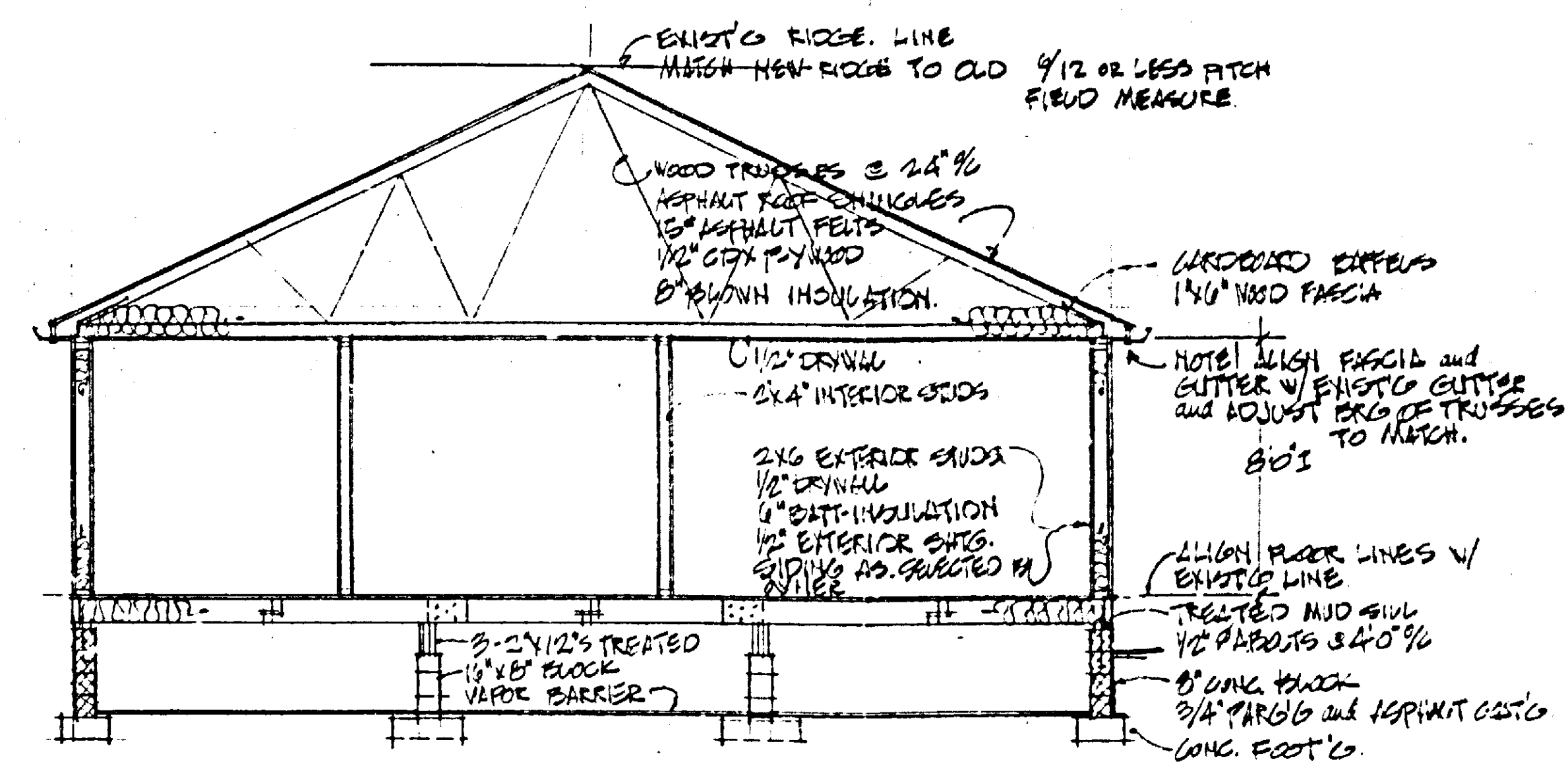






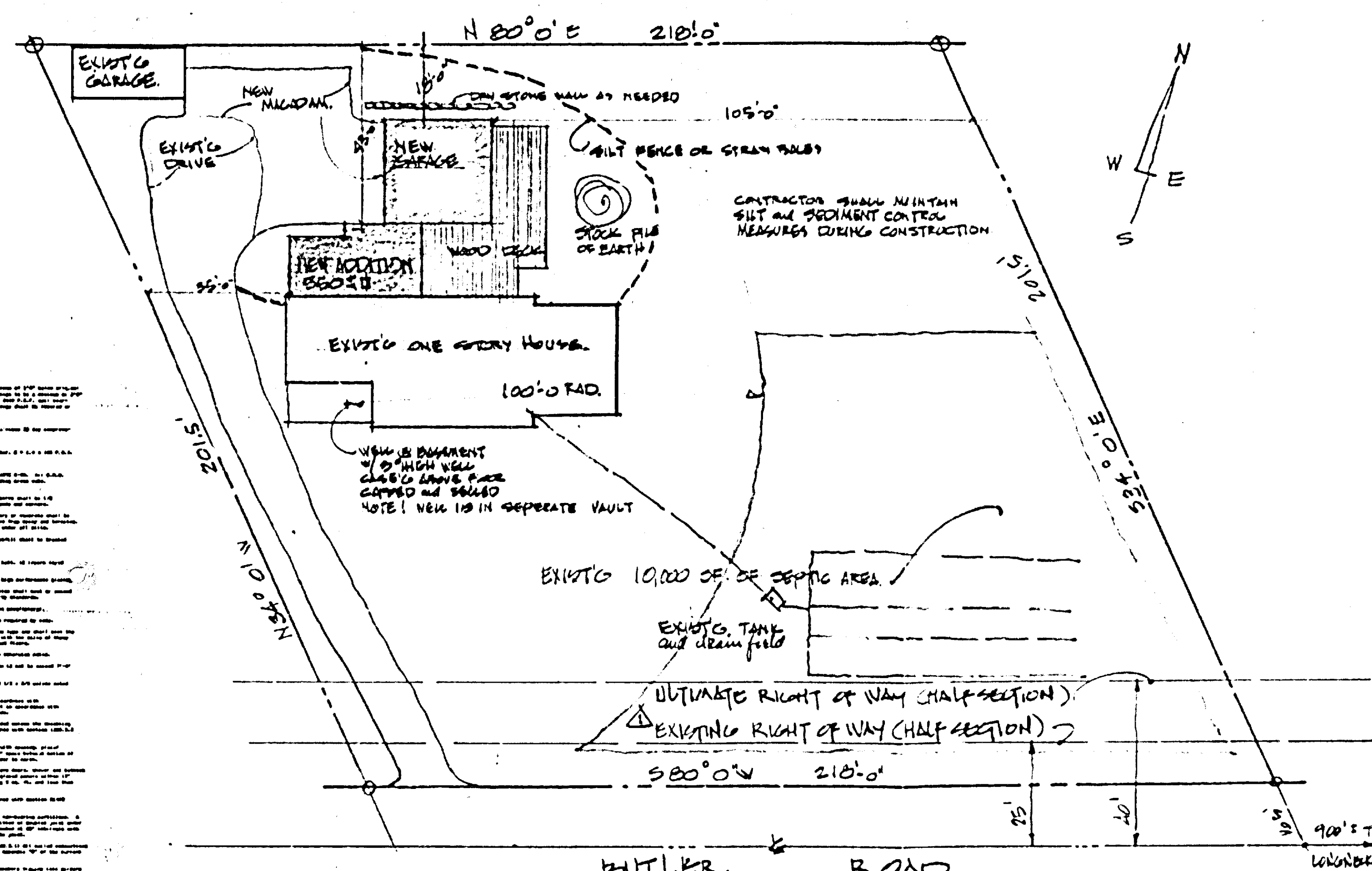


LEFT SIDE ELEVATION SCALE 1/4" = 1'-0"



CROSS SECTION SCALE 1/4" = 1'-0"

1. The owner desires to add a new addition to the existing residence.
2. The new addition shall be constructed of brick with a gabled roof.
3. The existing residence shall be maintained in its present condition.
4. The new addition shall be constructed to match the existing residence in style and finish.
5. The new addition shall be constructed to meet all applicable building codes.
6. The new addition shall be constructed to meet all applicable zoning regulations.
7. The new addition shall be constructed to meet all applicable environmental regulations.
8. The new addition shall be constructed to meet all applicable fire safety regulations.
9. The new addition shall be constructed to meet all applicable accessibility regulations.
10. The new addition shall be constructed to meet all applicable energy efficiency regulations.
11. The new addition shall be constructed to meet all applicable pest control regulations.
12. The new addition shall be constructed to meet all applicable mold remediation regulations.
13. The new addition shall be constructed to meet all applicable asbestos abatement regulations.
14. The new addition shall be constructed to meet all applicable lead paint regulations.
15. The new addition shall be constructed to meet all applicable radon mitigation regulations.
16. The new addition shall be constructed to meet all applicable seismic safety regulations.
17. The new addition shall be constructed to meet all applicable windstorm safety regulations.
18. The new addition shall be constructed to meet all applicable flood damage prevention regulations.
19. The new addition shall be constructed to meet all applicable fire insurance requirements.
20. The new addition shall be constructed to meet all applicable life insurance requirements.



SITE PLAN SCALE 1" = 20'-0"

4th ELECTION DISTRICT - ZONING: RC 2 - SITE AREA: 1.66 AC ±

Approved  
3/3/88  
ANN

# ADDITIONS & ALTERATIONS TO HERBST RESIDENCE

Contractor shall verify all dimensions and conditions and bring any discrepancy to the attention of the Architect before proceeding with the work.

WILLIAM W. KEENEY  
ARCHITECTS, INC.  
227 Main Street  
Reisterstown, Md. 21136  
(301) 833-8863

DATE  
9-30-87  
SHEET  
1 of 4

JOB NUMBER  
533-87

Case# 88-306A